From: Sexauer, Edward J - MSHA
Sent: Tuesday, October 14, 2003 8:46 AM
To:
Subject: FW: DPM comments

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From: Neason, Michael [mailto:Michael.Neason@HansonAmerica.com]
Sent: Tuesday, October 14, 2003 8:45 AM
To: comments@MSHA.gov
Subject: DPM comments

Attached are comments on the DPM Rule from Hanson's Tyrone Mine located in Lawrenceburg, Kentucky .

MSHA Docket
No. AB29-COMM-29

Tyrone Mine & Mill
1645 Tyrone Road
Lawrenceburg, Ky 40342

Mine Safety & Health Administration
Office of Standards, Regulations & Variances
1100 Wilson Blvd., Room 2313
Arlington, VA 22209-3939
By Fax: (202) 693-9441
By Email: comments@msha.gov

The Hanson Aggregates Tyrone mine is located near Lawrenceburg, Kentucky. The sixteen employees at the mine produce around 500,000 tons of crushed limestone each year to service the surrounding market. This letter is to make comment on MSHA's DPM standard which we feel will significantly impact our business without tangibly improving the safety and health of our miners.

While we support and have made significant efforts to ensure compliance with the interim concentration limit of 400 $\mu g/m^3$, we wholeheartedly oppose the proposed final concentration limit of 160 $\mu g/m^3$. We are as of yet unaware of any scientific studies that can positively identify any exposure limits below 400 $\mu g/m^3$ that can be proven to positively protect miners from the negative health effects associated with DPM. Until such data can be published and verified, it is premature for MSHA to arbitrarily set any new exposure limits. Moreover, from our experience and research, we believe that MSHA's proposed final PEL is not technologically or economically feasible.

Since the rule was initially proposed, we have made many substantial upgrades the mine's ventilation system and mobile equipment fleet. This represented a tremendous capital investment for an operation our size but the net effect was a safer and more healthful environment for our employees. The IH testing conducted in house as well as those tests run by MSHA confirm that our miner's exposures are now safely and consistently under 400 $\mu g/m^3$. While our work and investment has brought about this improvement, our tests are still routinely above 160 $\mu g/m^3$.

Low sulfur fuel, solid maintenance practices, new equipment, operator training, mine ventilation and experimental fuel catalyst systems do not provide enough control to ensure our miners will never be exposed to DPM levels above 160 $\mu g/m^3$. We currently regard diesel filters as a last resort because they are expensive, unproven, dangerous to equipment and create hazards for our employees. Without any evidence that they will create a healthier environment for the miners, it is hard to accept all those tangible negatives in pursuit of an unproven promise of protection.

The other significant problem for us is that worker rotation is not allowed as an acceptable administrative control for DPM exposure. This is inconsistent with other MSHA heath standards and limits our ability to reduce each miner's exposure. Apparently, MSHA would rather see employees forced to wear cumbersome respirators throughout their shifts than allow administrative controls to bring exposures into acceptable limits while engineering controls are being put in place.

Those two problems notwithstanding, the diesel rule has brought awareness to the issue and has resulted in lower exposure to DPM. If future research uncovers enough data to establish a new TLV that would positively protect miners from the negative health effects of DPM exposure, MSHA should then consider updating the rule. Until such data exists, MSHA should continue to make compliance determinations based on the 400 $\mu g/m^3$ level.

Sincerely,

Mike Neason
Safety Director